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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,150	02/27/2004	Chen Wen Chuan		8990

7590
Chen Wen Chuan
P.O. BOX 3-297
YUNGHO, 23499
TAIWAN

10/13/2005

EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,150

Applicant(s)

CHUAN, CHEN WEN

Examiner

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the level sensor installed on the connected frame (as claimed in claim 1, line 8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

On page 2, lines 15 and 20, it appears that these new paragraphs are merely continuations of the preceding paragraph and should be combined with the preceding paragraph. Furthermore, the paragraphs do not begin with a capital letter.

The specification includes phrases that are not in proper English, such as on page 2, line 20, "once the vehicle running up or down a slope". Any improper phrases should be corrected to read in proper English.

On page 3, line 22, - - vvehicle - - is misspelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "can" or "can be" throughout the claims is indefinite. This phrase is in at least claim 1, lines 13,16,20,22,24 in claim 2 and 3, line 2, and claim 6, lines 4 and 7. These limitations should be claimed as positively performing the function or being connected in the particular manner. These and any other occurrences require correction. Possible corrections include using the words "is" or "are" or when appropriate instead of "can be rotated" to either - - rotate - - or - - rotates - -.

The word "being" in the phrase most commonly used as "being installed" which occurs throughout the claims is unnecessary and as presently reads, implies a method of assembly step. The word "being" should be deleted.

In claim 1, line 12, the phrase "output shaft extending to locate at said connecting frame" is unclear.

Claim 1, line 13-14 is unclear. It is unclear if there is being claimed two driven gears on each end (totaling 4), or two driven gears, one on each end respectively of the output shaft.

Claim 1, line 15-16 is unclear. It is unclear to claim the "guiding rails or guiding grooves paralalled with the moving direction". It is unclear to claim the orientation of the rails or grooves with respect to the moving direction of the vehicle as this relation would not be accurate when the vehicle is turning. The orientation of the rails or grooves may be claimed with respect to the vehicle itself.

In claim 1, line 20 and 23, the phrases "once the vehicle running up or down a slope" and "adjust.....on the connecting frame to level position" is not proper English. These phrases and any others in the claims should be corrected. Possible correction replacing "to level position" with "to a level position".

Claim 1, lines 26-27, the phrase "to balance position" does not read in proper English. Possible correction is "to a balance position".

In claim 1, line 22, "the chair or carry platform" lacks antecedent basis since this structural feature has not previously been claimed.

In claims 2, 4 and 7, line 2, the word "have" should be changed to "has" or possibly "includes" so as to read in proper English.

In claim 2, line 3, "groove" should be - - grooves - - to remain consistent with plural grooves being previously claimed.

Allowable Subject Matter

Claims 1-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cooper (USPN 6,105,706), Goertzen et al. (USPN 6,357,776), Broadhead (USPN 6,003,891), Brucasco (USPN 4,944,555), Fante et al. (USPN 2,920,684), Mackintosh (USPN 4,274,503), Robinson (USPN 6,173,973), Biller et al. (USPN 4,679,803), Schenck (USPN 4,365,927), Randolph (USPN 4,077,483).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
October 9, 2005



PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600